

Order below Exh.1 in Cri. Bail Application No. 283/2022

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|----|--------------------------------|----|-------------|
| 1) | Tarabai Kacharu Lokhande | .. | Applicants/ |
| 2) | Kailas @ Motiram Laxman Pagare | | Accused. |

Vs.

The State of Maharashtra
through Police Inspector,
Dindori Police Station, Dindori.
(Cr. No.I 70/2022)

.. Prosecution

Order below Exh.1.

1. This application has been filed by the applicants/accused under section **438 of Cr.P.C.** for releasing them on **anticipatory bail** in the event of their arrest in the aforesaid Crime registered at Dindori Police Station, for the offence punishable under section 395, 341, 108, 323, 504, 506 of the IPC. The interim protection was granted to them by this Court by Order dated 02.03.2022 till disposal of the main application.

2. According to the case of Prosecution, the FIR was lodged by the complainant Shashikant Tukaram Bodke on 21.02.2022 alleging therein that the applicants along-with co-accused persons obstructed him when he was going back to his home owing to dispute of land which belongs to Grampanchayat. The accused persons have abused, assaulted and robbed him of his gold ornaments worth Rs.1,26,000/-. Based on his report, the offence is registered against the applicants and co-accused at Dindori Police Station and they have apprehending their arrest at the hands of police.

3. The learned counsel Mr. P.B.Jadhav appearing for the applicants/accused has argued that the applicants are innocent and have not committed any offence. He further submitted that there is political rivalry between the parties and cross-cases are filed by both the parties against each other. There is no reason for custodial interrogation of applicants as nothing remains to be seized from them. When the actual incident took place, the applicants were not present on the spot. They are ready to cooperate with the investigation. Hence, he prayed for grant of anticipatory bail to the applicants/accused.

In support of his contentions, he relied on the cases reported in Yuvraj Mohansing Pardeshi Vs. The State of Maharashtra, 2019 CJ(Bom) 436, Dhanraj Shamrao Gangurde Vs. The State of Maharashtra decided by Hon'ble Bombay High Court on 04.07.2019 in Bail Application No.741/2019 and Umashankar Mishra Vs. State of M.P. decided by Hon'ble MP High Court in M.Cr.C. No.29874/19 on 30.07.2019 and prayed for grant of anticipatory bail to applicants.

4. The Investigating Officer has filed his reply at **Exh.18** and strongly opposed the application stating that the offence is serious in nature and since the registration of the offence, applicants are absconding. The robbed gold ornaments is still to be recovered. There presence is required for detailed investigation, to find out the truth etc. If protection is granted to the applicants, it may hamper investigation.

The Ld. APP Mrs. Kotwal has submitted her arguments

in line with the say filed by the investigating Officer and prayed for rejection of the application.

The original complainant appeared and filed his say vide Exh.12 and strongly opposed the application on the ground that the applicants have robbed gold ornaments of complainant and for its recovery, their custodial interrogation is needed. The offence is of serious nature and if they are protected, they may tamper with evidence and there is every possibility of their pressurizing the witnesses. Hence, lastly prayed for rejection of the application.

5. After hearing both the sides and the complainant and on perusal of record, it appears that cross-cases are filed against each other. Further the role assigned to applicants is that they have given abuses to the complainant. Considering the nature of allegations and their role, their custodial interrogation is not necessary. I am inclined to confirm the interim protection given to them. Hence, following order.

Order

1. Application is hereby allowed.
2. Interim protection granted to applicants on 02.03.2022 stands confirmed subject to same terms and conditions.

Inform concerned police station accordingly.

(**Smt. S.S. Nair**)

Date : 17.03.2022.

Addl. Sessions Judge-4, Nashik.

